

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-25 remain pending in the present application.

The abstract has been amended to conform to the claims, as amended. In particular, the present invention contemplates calculating the oxygen uptake using any conventional technique. Thus, the abstract has been amended to conform to this understanding. Accordingly, applicant respectfully requests that the amendments to the abstract be approved.

The specification has been amended above to expressly identify the previous applications from which the present application claims priority as a Continuation application under 35 U.S.C. § 120. Accordingly, applicant respectfully requests that these amendment be approved and the priority claim acknowledged.

The specification has also been amended to correct minor informalities and to clarify the detailed description of the presently preferred exemplary embodiments of the invention. No new matter has been added. For example, the amendment to pages 16-20, which corresponds to the first technique for calculating cardiac output, is done to clarify how the present inventors arrived at original equation (20) and to clarify that the time period in the denominator of that equation should correspond to the time period during which there is a change in the arterial oxygen concentration. Applicant submits that one skilled in the art would readily appreciate how original equation (20) was determined as well as the correct meaning of the timer period in the denominator. Original equation (20) corresponds to equation (20) in the amended text.

Similarly, the description of the manner in which the present invention deals with recirculation (pages 19-20 of the original specification) and the second technique for calculating cardiac output (pages 21-22 of the original specification), have been clarified. Also, language has been added supporting how the determination of cardiac output using technique 3 is made.

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In short, the amendments to the specification are provided to correct minor errors and to clarify the description of the invention. All of these changes constitute the understanding of the present invention, based on the originally filed application, to one of ordinary skill in the art. Therefore, these changes do not introduce any new matter. Accordingly, applicant respectfully requests that the amendments to the specification be approved.

FIGS. 3-8 have been amended herewith to change the numbering of the figures and to clarify the description of the invention. No new matter has been added. For example, FIGS. 3A and 5A have been added, FIG. 5 has been changed to FIGS. 5B, and FIG. 6 has been changed to new FIG. 6. Applicant respectfully requests that the amendments to the figures be approved.

As noted above, the claims have been amended to cover the possibility that other techniques exist for determining the oxygen uptake. For example, the independent claims 1 and 14 have been amended to indicate that the present invention contemplates measuring a first parameter indicative of a patient's oxygen uptake, rather than the gas flow and the percent of oxygen inhaled and exhaled specifically, which is one technique by which oxygen uptake can be determined. The claims have also been amended to correct minor informalities. Accordingly, applicant respectfully requests that the amendments to the claims be approved.

It is respectfully submitted that the present application is in condition for allowance and a Notice to the effect is earnestly solicited.

Respectfully submitted,

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Attached: Amended FIGS. 3A-8.